

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**RODERICK CLEARE,**

**Plaintiff,**

**v.**

**WARDEN CHARLOTTE JENKINS, *et al.*,**

**Defendants.**

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**Case No. 2:15-cv-2295**

**JUDGE ALGENON L. MARBLEY**

**Magistrate Judge Jolson**

**ORDER**

This matter comes before the Court on Magistrate Judge Jolson's June 12, 2017 **Report and Recommendation** (Doc. 58), which recommended that Defendants' Motion to Dismiss Plaintiff Roderick Cleare's Second Amended Complaint for Failure to State a Claim (Doc. 45) be granted. As set forth in the Report and Recommendation, the Court has afforded Cleare three opportunities to file a proper complaint and provided him with guidance on how to do so, yet Cleare's Second Amended Complaint (Doc. 44) fails to state a viable § 1983 claim.

Judge Jolson's Report and Recommendation specifically advised the parties that the failure to object results in a waiver of the right to have the district judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. (Doc. 58 at 9.) The parties have failed to file any objections, and the deadline for objections (June 26, 2017) has lapsed.

The Court hereby **ADOPTS** the Report and Recommendation (Doc. 58) based on the independent consideration of the analysis therein, and **GRANTS** Defendants' Motion to Dismiss. This case is **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

**s/ Algenon L. Marbley**  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: June 28, 2017**